

Serial No. 09/433,380

Docket No. MRE-0014

Amdt. Dated February 4, 2005

Reply to Office Action of November 15, 2004

### **REMARKS/ARGUMENTS**

Claims 10-22 and 24-30 are pending in this application. By this Amendment, the drawings, specification, and claims 10-11 and 22 are amended, and claim 30 is added. The specification is amended for clarification purposes. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

#### **I. Allowable Subject Matter**

The Examiner is thanked for the indication that claims 14, 16-20, and 26-28 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claim 20 has been rewritten in independent form as new claim 30. Accordingly, new claim 30 should be in condition for allowance. However, for the reasons set forth below, claims 14, 16-19 and 26-28 have not been rewritten in independent form at this time.

#### **II. Informalities**

The Office Action objects to the specification and drawings due to informalities. It is respectfully submitted that the amendments made to the specification and Figures 1-2 are

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responsive to the Examiner's comments, and thus the objections to the specification and the drawings should be withdrawn.

### **III. Rejection under 35 U.S.C. § 102(e)**

The Office Action rejects claims 10-13, 15, 21-22, 24-25, and 29 under 35 U.S.C. § 102(e) as anticipated by Stuckey et al., U.S. Patent No. 6,227,373 (hereinafter "Stuckey"). The rejection is respectfully traversed.

Independent claim 10 recites, *inter alia*, a support portion formed at a lower end portion of the stacker and configured to selectively engage and disengage side end portions of a tray plate of the plurality of tray plates. Stuckey neither discloses nor suggests such features, nor the claimed combination.

Stuckey discloses a vertical handling system 32 including a vertical auto stack (VAT) 50 with a vertical sort stack 52 positioned atop a vertical input stack 54. Trays are loaded on a lower input stack platform 70 which is held in position along a pair of rails 72 and 74 by an input stack latch 76. The input stack platform 70 moves vertically along the rails 72 and 74. Category platforms 105-109 supporting unused sort category trays 90 and active sort category trays 90 are stacked on top of a storage latch 110 and are moved vertically by a sort category latch 94 that moves on a rail 96.

The various latches 76, 94, and 110 are simply arm type mechanisms which extend beneath the platforms 70 and 105-109 to maintain a position of the particular platform, and which cause the platform to move vertically when so driven by motor assemblies 78 and 98, respectively. The latches 76, 94, and 110 are clearly positioned against the bottom surfaces of the platforms 70 and 105-109 which carry trays, and are not configured to engage and disengage side end portions of tray plates as recited in independent claim 10.

Accordingly, it is respectfully submitted that independent claim 10 is not anticipated by Stuckey, and thus the rejection of independent claim 10 under 35 U.S.C. § 102(e) over Stuckey should be withdrawn. Rejected dependent claims 11-13, 15, and 21, as well as objected to claims 14 and 16-20, are allowable at least for the reasons set forth with respect to independent claim 10, from which they depend, as well as for their added features.

Independent claim 22 recites, *inter alia*, at least one stopper mechanism which is configured to selectively engage and disengage with a corresponding side end portion of one of the plurality of tray plates so as to prevent one or more tray plates from being lowered as the movement plate moves downward in the guide frame. As set forth above, Stuckey neither discloses nor suggests such features. Accordingly, it is respectfully submitted that independent claim 22 is not anticipated by Stuckey, and thus the rejection of independent claim 22 under 35 U.S.C. § 102(e) over Stuckey should be withdrawn. Rejected dependent claims 24-25 and 29, as

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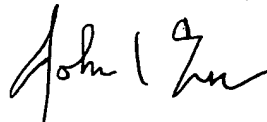
well as objected to claims 26-28, are allowable at least for the reasons discussed with respect to independent claim 22, from which they depend, as well as for their added features.

#### IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, John C. Eisenhart, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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**Date: February 4, 2005**

**Please direct all correspondence to Customer Number 34610**

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**Amendments to the Drawings:**

The attached drawings include changes to Figs. 1 and 2. These sheets, which include Figs. 1 and 2, replace the original sheet including Figs. 1 and 2. Figs. 1 and 2 have been amended to include the legend "Prior Art."

Attachment: Replacement Sheets (2)